

SAMUEL LATO

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FACTUM

FOR

Gabriel De la Forest.

1696

Gabriel de la Forest, late Governour of Fort Bourbon, alias Nelson, in Hudsons-Bay, was attackt in the Month of August last by five Ships, whereof the Comadore was Capt. Allen, Commander of one of his Majesties Ships; after some Resistance, being Summoned, he surrendered his Fort to the said Capt. Allen, upon Articles of Capitulation; which were in Substance, That he the said Mr. De la Forest, his Men, Effects or Goods, amounting to about 15000 *l.* sterl. Value, Bagage, small Arms, and two pieces of Cannon, &c. as appears by the Original Articles signed by Capt. Allen, should be carried by one of the King's Ships to *Plaisantia*, belonging to the French, without being any ways molested, pillaged, or visited. But the said De la Forest was no sooner surrendered, but that he himself, and all the Men of his Garrison were plundered of all their Beavers, Skins and Cloaths, and brought in that miserable Condition into *England*.

The said English Ships arrived into *Plymouth* Harbour about the latter end of September following, when Mr. De la Forest made his Application to Commissary Samlloo, at the said Place, who caused him to be brought on shoar, and acquainting the Court with his Complaints, he was sent for, and brought up to *London* by Mr. Tonstal, Messenger.

At the same time the Gentlemen of the *Hudsons-Bay* Company, possessed themselves of all his Beavers, Goods, &c. Capt. Allen, on board whose Ship they were, having been killed in a Fight at Sea.

As soon as the said De la Forest arrived at *London*, he had a Petition delivered to his Majesty by a Solicitor, in Substance demanding the Restitution of all his Goods, &c. according to the Articles, and to be sent to *France* with the same, and his Men, as soon as possible.

But things were so carried on, that an Order was already issued out for his being sent back to *Plymouth*, without any hearing, when accidentally some Charitable Persons being informed of this, went to his Majesty, who was graciously pleased to Order, that the said De la Forest should not be sent back to *Plymouth*, but rather be heard before the Lords of the Council for Trade and Plantations; who after several Hearings of the said De la Forest, and the *Hudsons-Bay* Company, were pleased to give a Special Report on that Affair, in the beginning of January last, which was delivered the 14th. of the said Month, to the right Honourable Mr. Secretary Trumbal, for to know his Majesties pleasure on it.

One of the Persons employed in the said De la Forest's business, having several times waited on the right Honourable Mr. Secretary Trumbal, was at last told, that his Majesty would have that Matter to be judged or determined in a full Council at *White-hall*, when my Lord Keeper could have the time to be there, or some Expression to that purpose.

During this time, the said De la Forest's Men were kept on board of one of the Ships at *Plymouth*, who being naked, in this hard, cold Weather, and without any Relief, fell most of them sick, and then were sent to the Hospital there, some dyed, and the rest were sent over to *France*, only about a Fortnight since, as he understands.

Now the said De la Forest not being capable of imagining what Reason has hitherto detained him a Prisoner here so long, begs that he may speedily obtain his Right, according to his Articles: Or if it should be thought fit to deny it him, that he may be sent to *France* by the nearest way, and not detained any longer here, in breach of the said Articles of his Capitulation.

But, the said De la Forest does not doubt, but the Lords of his Majesty's most Honourable Privy Council will weigh and consider the mighty Consequences of so positive and formal a Breach of Faith, (and *Droit des gens*) in every particular, as this he now Complains of, and that he will be soon restored to what is his undoubted Right.

Gabriel De la Forest.